

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 3, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04006

PROPOSAL: Change the zoning from H-3 Highway Commercial to I-1 Industrial on one lot.

LOCATION: Approximately West "L" and SW 25th Streets.

LAND AREA: 41,800 square feet, or 0.96 acre, more or less.

CONCLUSION: This change of zone generally conforms to the Comprehensive Plan.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 3, Block 1, Western State Industrial Tract 2nd Addition, located in the NW 1/4 of Section 28 T10N R6E, Lancaster County, Nebraska.

EXISTING ZONING: H-3 Highway Commercial

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE AND ZONING:

North:	Vacant	H-3 Highway Commercial
South:	Commercial	I-1 Industrial
East:	Vacant	H-3 Commercial
	Vacant	I-1 Industrial
West:	Vacant	I-1 Industrial

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan shows the area north of this site as Commercial, and the area south of this site as Industrial. (F 25)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouse, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 22)

Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominantly industrial districts, such as office, retail or warehouses. (F 22)

TRAFFIC ANALYSIS: SW 25th Street is identified as a Local Street, while "O" Street is identified as a Principal Arterial both now and in the future. (E 49, F 103) This property has access to "O" Street from SW 27th Street.

ALTERNATIVE USES: This property could support any use permitted in the H-3 Highway Commercial district.

ANALYSIS:

1. This is a request to change the zoning from H-3 Highway Commercial to I-1 Industrial on one lot. The site plan submitted shows one building measuring 14,000 square feet, having ten separate bays. Applicant has requested this change in order to reduce the required number of parking stalls needed for the proposed building. Applicant does not yet have a tenant for the building.
2. A review process for change of zone proposals is not defined within the Zoning Ordinance. However, Neb. Rev. Stat. §15-902 provides a list of considerations that has traditionally been utilized for such reviews.
 1. **Safety from fire, flood and other dangers.**
No apparent impact.
 2. **Promotion of the public health, safety, and general welfare.**
No apparent impact.
 3. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development.**
This is a mixed-use area, allowing retail, service commercial, repair, manufacturing, and storage facilities. This lot is located where the H-3 and I-1 districts meet. Whether this lot develops with H-3 uses or I-1 uses will likely have little impact on the character of the area.
 4. **Conservation of property values.**
This lot can be developed with a commercial use under either zoning designation, therefore, its value should remain consistent whether the zoning changes or not.
 5. **Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.**

The Comprehensive Plan identifies this area as Commercial and Industrial. Therefore, both uses are appropriate here. This request is merely to change the zoning to support one set of uses rather than the other.

3. There are several differences between the H-3 and I-1 zoning requirements. The following table shows the general requirements of each district.

	H-3	I-1
Generally allows commercial and retail uses.	Yes	Yes
Allows more intensive uses, i.e. storage, manufacturing, production, distribution.	No	Yes
Front yard setback	30'	15'
Side yard setback	Smaller of 15' or 10% of width	0' unless abuts residential
Rear yard setback	Smaller of 30' or 20% of depth	0' unless abuts residential
Parking requirement	1 space per 200 square feet	2 spaces per 3 persons on largest shift OR 1 space per 1,000 square feet
Parking required for 14,000 sq. ft. building (assuming 50 employees on largest shift)	70 spaces	34 spaces
Parking in front yard	Yes	No

4. The table above suggests the I-1 zoning district will allow more of the site to be developed than H-3, due to smaller setback and parking requirements. Also, by requiring landscaping in the front yard, I-1 will provide more landscaping along the street. However, I-1 also allows more intensive uses than H-3.
5. This table also points out an assumption made in the parking regulations. Although I-1 can develop with the same use as H-3, it is intended for uses having a larger floor area to employee ratio, therefore less parking is required. This raises the possibility a more traditional H-3 use could locate in this building and have inadequate parking. However, that is unlikely at this interior location, and the street frontage of this lot provides some on-street parking.
6. This area has been zoned for highway commercial uses adjacent to West "O" Street and industrial uses further south for many years. Since before the 1979 zoning update, this property has been located on the zoning line separating the highway commercial zoning designation to the north, and the industrial zoning designation to the south. The

location of the zoning line has not changed since before 1979. The land use designations in this area follow the zoning district lines.

7. Since this property sits at the transition from H-3 to I-1 it could logically be placed in either district. It appears from the agenda map the zoning line went through this property at one time. When this area was platted, the subdivider had to move the zoning line to follow streets and property lines. The line could have gone around the north end of this lot just as easily as the south end. If this change is approved, the H-3 district will continue to provide a commercial strip along the south side of West "O" Street at least two lots deep.

Prepared by:

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us

Date: February 19, 2004

Applicant: Jornat, LLC
Jerome Lang
5600 South 48th Street
Lincoln, NE 68516
423.8089

Owner: Same as Applicant.

Contact: Bartling and Hinkle, P.C.
Stephen Bartling
5801 South 58th Street, Suite B
Lincoln, NE 68516
421.1600



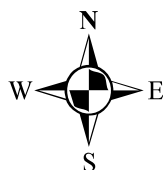
2002 aerial

Change of Zone #04006 301 SW 25th St.

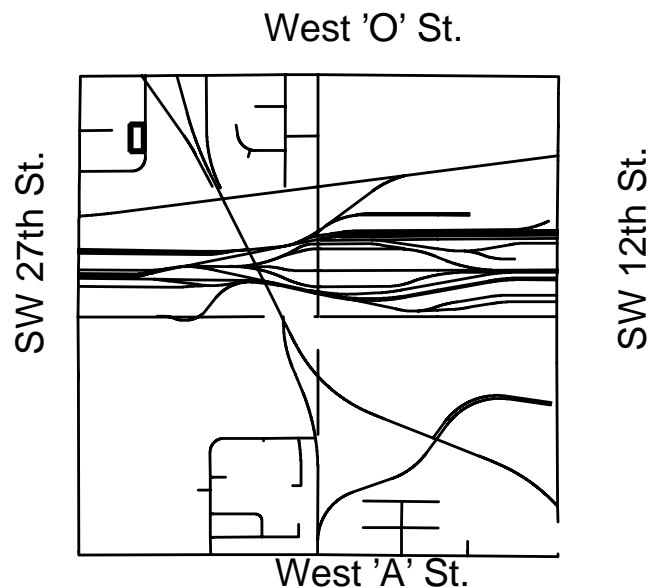
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 28 T10N R6E



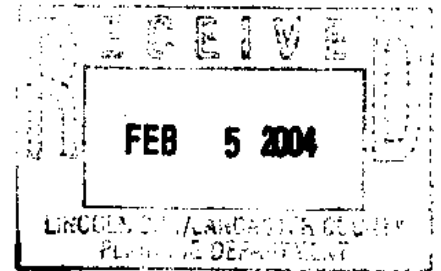
Zoning Jurisdiction Lines
City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.

Bartling & Hinkle, P.C.
Lawyers
5801 South 58th Street, Suite B
Lincoln, Nebraska 68516

(402) 421-1600 / FAX: (402) 421-2893
e-mail: barthink@bigplanet.com



STEPHEN V. BARTLING
Admitted to Nebraska - Bar #10214
Admitted to Kansas - Bar #18572

TIM HINKLE
Admitted to Nebraska - Bar #17707

February 4, 2004

Planning Department
555 S. 10th St.
Lincoln, NE 68508

RE: Jomat, LLC - Zoning Application
Lot 3, Block 1, Western State Industrial Tract
2nd Addition, Lincoln, Lancaster County,
Nebraska

Dear Sirs:

The change of zone request for this property is made for the purpose of developing the property with the construction of a building containing approximately 14,000 square feet according to the plan as submitted by Jack Beers.

This building will be in character with the adjacent properties and the overall character of the development. The building will be constructed in the Spring and ready for use this Summer.

The property is abutted on three sides by I-1 zoning. The development of this lot will make the topography of it better utilized than its present zoning designation.

If there are any questions or additional information is needed, please feel free to call.
Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read "Stephen Bartling".

Stephen Bartling

SB:kl